

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOHAMMAD B. BHUTTA, SHAZAAD B. BHUTTA, Case No. 18-cv-04877 (JBW)(PK)
POPULAR CONTRACTING INC.,

Plaintiffs,

-against-

ALAN GROSSMAN AKA ABRAHAM GROSSMAN
A/K/A ABRAHAM GROSSMAN, NEW YORK CITY
SCHOOL CONSTRUCTION AUTHORITY,
METROPOLITAN COMMERCIAL BANK,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 21 2019 ★

BROOKLYN OFFICE

Defendants.
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**STIPULATION DISCONTINUING WITH PREJUDICE
PLAINTIFFS' SIXTH AND EIGHTH CAUSES OF ACTION AGAINST
DEFENDANT METROPOLITAN COMMERCIAL BANK**

WHEREAS, Plaintiffs Mohammad B. Bhutta, Shazaad B. Bhutta and Popular Contracting Inc. ("collectively, the "Plaintiffs") filed a Complaint on August 28, 2018 (the "Complaint") in the United States District Court, Eastern District of New York [Dkt. No. 1];

WHEREAS, the Complaint alleges, among other things, that Defendant Metropolitan Commercial Bank ("Metropolitan Bank") conspired with Defendant Alan Grossman a/k/a Abraham Grossman a/k/a Abrahan Grossman to violate the Racketeer Influenced and Corrupt Organizations Act (the "Sixth Cause of Action") and aided and abetted Grossman to commit fraud and conversion (the "Eighth Cause of Action");

WHEREAS, Metropolitan Bank filed a motion to dismiss the Sixth Cause of Action and Eighth Cause of Action pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure [Dkt. No. 23];

WHEREAS, the Court issued an Order on January 16, 2019 converting Metropolitan Bank's motion to dismiss to one for summary judgment (the "Motion for Summary Judgment") and expediting discovery [Dkt. No. 24]; and

WHEREAS, after having conducted discovery, Plaintiffs now have agreed to withdraw, with prejudice, the Sixth Cause of Action and Eighth Cause of Action.

NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED by and between counsel for Plaintiffs and Metropolitan Bank that Plaintiffs' Sixth Cause of Action and Eighth Cause of Action are hereby withdrawn with prejudice.

IT IS FURTHER STIPULATED AND AGREED that the Motion for Summary Judgment is hereby withdrawn.

IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be executed in counterparts, which counterparts when taken together shall constitute a fully executed Stipulation, that any faxed, photocopied or digitally-scanned signature shall be deemed an original, and this Stipulation may be submitted to the court to be so-ordered.

Dated: ^{May}~~April~~ 2, 2019

DAHIYA LAW OFFICES, LLC
Attorney for Plaintiffs Mohammad B. Bhutta,
Shazaad B. Bhutta and Popular Contracting Inc.

By: 

Karamvir Dahiya
75 Maiden Lane Suite 506
New York NY 10038
Tel: 212 766 8000
karam@dahiya.law

MORITT HOCK & HAMROFF LLP
Attorneys for Defendant Metropolitan
Commercial Bank

By: 

Stephen J. Ginsberg
400 Garden City Plaza
Garden City, New York 11530
516-837-2000
sginsberg@moritthock.com

SO ORDERED:


U.S.D.J.

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